

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:06-HC-2219-BO

UNITED STATES OF AMERICA,)	
Petitioner,)	
)	
v.)	MOTION FOR CONDITIONAL
)	RELEASE
)	
)	
DONALD BRONCHEAU,)	
Respondent.)	

The Petitioner, by and through the United States Attorney for the Eastern District of North Carolina, respectfully moves this Court to order the conditional release of the Respondent pursuant to 18 U.S.C. § 4248(e).

The parties request that the Court make findings of fact and conclusions of law that Respondent meets the statutory criteria for conditional discharge under 18 U.S.C. § 4248(e)(2).

The parties do not request a hearing on this matter.

Respectfully submitted this 28th day of November, 2011.

THOMAS G. WALKER
United States Attorney

By: /s/ Edward D. Gray
EDWARD D. GRAY
Assistant United States Attorney
Civil Division
310 New Bern Avenue, Suite 800
Federal Building
Raleigh, NC 27601-1461
Telephone: (919)856-4530
Facsimile: (919)856-4821
E-mail: edward.gray@usdoj.gov
NC Bar 37539

CERTIFICATE OF SERVICE

I do hereby certify that a copy of the foregoing has been served upon, counsel for the respondent, by electronically filing the foregoing with the Clerk of Court this date, November 28, 2011, using the CM/ECF system which will send notification of such filing above.

/s/ Edward D. Gray
EDWARD D. GRAY
Assistant United States Attorney
Civil Division
310 New Bern Avenue, Suite 800
Federal Building
Raleigh, NC 27601-1461
Telephone: (919)856-4530
Facsimile: (919)856-4821
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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

No. 5:06-HC-2219-BO

UNITED STATES OF AMERICA,)	
Petitioner,)	
)	<u>ORDER</u>
v.)	
)	
DONALD MOODY BRONCHEAU,)	
Respondent.)	

The Court has considered Petitioner's Motion for Voluntary Commitment under 18 U.S.C. § 4248 and the Settlement Agreement entered into between the parties. The United States, the Respondent, and Respondent's counsel have each personally affirmed in open court that the terms and conditions of the settlement agreement have been entered and undertaken knowingly and voluntarily after having adequate opportunity to seek counsel. The Court finds as a fact that the parties knowingly and voluntarily entered into the Settlement Agreement.

THE COURT HEREBY FINDS that there is a sufficient factual basis to support the civil commitment as a sexually dangerous person under 18 U.S.C. § 4248 and hereby commits the Respondent to civil commitment as a sexually dangerous person pursuant to 18 U.S.C. §§ 4247 and 4248 .

THE COURT FURTHER FINDS that the Warden of FCI Butner has certified pursuant to 18 U.S.C. § 4248 (e)(2)(B) that he will not

be sexually dangerous to others if released under a regimen of medical, psychiatric, or psychological care or treatment. Therefore it is hereby ORDERED, pursuant to the provision of 18 U.S.C. § 4248(e), that Respondent shall be conditionally released under the following specific conditions:

Respondent shall report in person to the United States Probation Office in the district to which he is released within 72 hours of his release from custody of the Bureau of Prisons. He shall be and remain under the supervision of the United States Probation Office and shall comply with all of the standard conditions of supervision, any other conditions adopted by the U. S. Probation Office for the District of Idaho, and the specific conditions set forth herein. Respondent shall follow all instructions given by the U. S. Probation Officer, and shall truthfully answer all questions of the U. S. Probation Officer. He shall report to the U. S. Probation Officer as directed, and submit a truthful and complete written report within the first five days of each month. Respondent shall permit the U. S. Probation Officer to visit him at any time in respondent's home or elsewhere and shall permit confiscation of any contraband the U. S. Probation Officer observes in plain view.

Respondent shall participate in a long-term, sex-offender-specific treatment program that includes cognitive-behavioral group therapy, polygraphy, and physiological assessment of deviant sexual

arousal patterns (if available), individual therapy as necessary, and a focus on adherence to an acceptable relapse prevention plan. Treatment should also include a current substance abuse evaluation, and if deemed necessary, substance abuse treatment commensurate to his need. Treatment should be tailored to address his psychological diagnoses and level of risk. Any modification of treatment will be monitored by his supervision officer. Progress reports by the treatment provider should be submitted in writing to the supervision officer on a regular basis.

Respondent shall participate in a sexual history polygraph examination and periodic maintenance polygraph examinations to monitor compliance with conditions of treatment and conditional release.

Respondent shall sign all the necessary releases of information so that treatment providers, supervision officers, polygraph examiner, medical provider, family members, intimate partners, and others can communicate openly about him, his criminal history, his static and dynamic risk factors, and his relapse prevention plan.

Respondent shall comply with all medical and psychiatric medications as prescribed, and keep all scheduled appointments with these providers.

Respondent shall contribute to the cost of any evaluation, testing, treatment and/or monitoring services rendered in an amount

to be determined by the supervision officer based on Respondent's ability to pay and the availability of third party payments.

Until modified by his treatment provider and supervision officer, Respondent shall have no unsupervised contact with any minors, regardless of age or gender, or adults who may be vulnerable due to mental, physical, or other limitations. Unavoidable contact with minors or vulnerable persons must be approved by his community supervision officer. If contact with minors or vulnerable persons must be permitted (with permission from his community supervision officer), their care givers must be informed of Respondent's sexual offense history and the risks involved.

Respondent shall have no contact with any identified victims of past crimes or those of admitted criminal conduct.

As directed by the supervision officer, Respondent shall notify third parties of risks that may be occasioned by his criminal record or personal history or characteristics and shall permit the probation officer to make such notifications and to confirm his compliance with such notification requirement.

Respondent shall not reside in a home with any minors until he is reassessed and approved by his treatment provider after his release to the community.

Respondent shall not reside with anyone who presents a

significant risk factor, sexual or otherwise. This includes anyone who uses or possesses pornography, child erotica, or otherwise interferes with the conditions of his community supervision should not be allowed to reside with him.

Respondent shall provide to his community supervision officer a list of all potential visitors to his home.

Respondent shall not associate with anyone (except while in a treatment program) who is known to be a sex offender or someone who condones or supports sexual abuse and exploitation of others or is engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by your US Probation Officer.

Respondent shall not frequent, patronize or be seen in or around places or establishments that promote sex trade, sell pornography promote or normalize sexually violent behavior, adult-child sexual behavior, or to participate in any organization that does the same (e.g., NAMBLA).

Respondent shall not view, possess, own, subscribe to or purchase any material, including pictures, videotapes, films, magazines, books, telephone services, electronic media, computer programs, or computer services that depict sexually explicit conduct, as defined in 18 U.S.C. 2256(2).

Respondent shall obtain approval from his community

supervision officer prior to obtaining a post box. The content of his correspondence should be routinely searched by his community supervision officer for any evidence of sexually inappropriate behavior or pornography (i.e., credit card bills, cable television bills).

Respondent shall submit his person, and any property, house, residence, vehicle, papers, effects, computer, electronic communications devices, and any data storage devices or media, to search at any time, with or without a warrant, by any federal probation officer, or any other law enforcement officer from whom the supervising Probation Office has requested assistance, with reasonable suspicion concerning a violation of a condition of release or unlawful conduct by you. Any items seized may be removed to the supervising Probation Office or to the office of their designee for a more thorough examination.

a) The Respondent shall submit to search searches that focus on any risk factors that may threaten the management of his sobriety and/or sexual deviance disorder. These include:

i) Sexually explicit and/or obscene materials or paraphernalia, whether written, printed, photographed, electronic, computerized, or recorded;

ii) Anything that overtly promotes or glamorizes criminal activity;

iii) Anything that overtly promotes or supports child-adult sexual relations.

Respondent shall not use or possess any computer or any other device with online capabilities, at any location, except at your place of employment, unless he participates in the Computer Restriction and Monitoring Program.

Respondent shall permit the United States Probation Office to conduct periodic, unannounced examinations of any computer equipment you use or possess, limited to all hardware and software related to online use (e.g., use of the World Wide Web, e-mail, instant messaging, etc.). These examinations may include retrieval and copying of data related to online use, and the viewing of pictures and movies which may be potential violations of the terms and conditions of supervised release from this computer equipment including any internal or external peripherals, internet-capable devices, and data storage media. This computer equipment may be removed to the Probation Office or to the office of their designee for a more thorough examination. The Probation Office may use and/or install any hardware or software system that is needed to monitor your computer use, subject to the limitations described above. In the event your treatment provider determines that the use of a computer or internet service is contraindicated to your course of recovery, the Court, upon considering such information, may prohibit the use of a computer if the Court is convinced that such

is the case based upon the evidence.

Respondent shall refrain from the use of alcohol or other substances and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician. You shall submit to random UA's to verify your sobriety.

Respondent shall comply with the requirements of the Sex Offender Registration and Notification Act (42 U.S.C. § 16901, et seq.) as directed by the probation officer, the Bureau of Prisons, or any state sex offender registration agency in which he or she resides, works, is a student, or was convicted of a qualifying offense.

Respondent shall not change residences without prior approval of the probation officer.

Respondent shall not leave the judicial district in which you are being supervised without the permission of the court or probation officer.

Respondent shall permit a probation officer to visit him at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer.

Respondent shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer.

Respondent shall report to the probation officer as directed by the Court or Probation Office and shall submit a truthful and complete report within the first five days of each month.

Respondent must notify the US Probation Office prior to obtaining or changing employment so that the US Probation Office may carefully screen the appropriateness of the employment. You shall notify your employer of relevant risk factors, as determined and verified by US Probation.

a) Your job should not permit direct contact with or supervision of minors or vulnerable adults,

b) You shall not be in a position of authority over children and families.

c) You shall not work in a child-care or assisted-living facility.

d) You shall not work in an environment where minors are employed or congregate.

e) You shall not volunteer in any capacity that has contact with children.

Respondent shall not operate a computer with Internet access for his employment. Should Respondent be required to operate a computer for essential purposes, this computer should be located in an area that affords maximum supervision and monitoring by his

employer or supervision officer. Furthermore, if such computer has Internet access, filtering and monitoring software should be installed at Respondent's expense. This community supervision technology should be approved and coordinated by his supervision officer.

Respondent's employer shall be notified by the supervision officer of his sexual offense history and related risk factors as appropriate.

Respondent shall not accept or seek civic, religious, or other voluntary positions where he may be in a position of authority or influence over children and their families.

Respondent's failure to adhere to any of the conditions of his release may result in his return to custody to be brought before this Court for review of his suitability for conditional release.

It shall be the duty and responsibility of the treatment provider to promptly notify the U. S. Probation Officer of any changes in the prescribed regimen of medical or psychiatric care, including any failure by respondent to comply with medication or cooperate with the other requirements of the conditions listed above.

The treatment provider or U. S. Probation Officer may at any time recommend modification or elimination of the regimen of medical, psychiatric or psychological care or treatment, upon

certification to this Court that to do so would not create a substantial risk of bodily injury to another person or serious damage to property of another. If a request to modify or terminate the conditions of release is made, the party so requesting shall submit a motion to this Court, with adequate documentation supporting the request, and provide copies to the U. S. Probation Officer, the Office of the United States Attorney, Respondent's counsel, and the Warden of FMC Butner. Pursuant to 18 U.S.C. § 4247(e), the U. S. Probation Officer shall file annual reports with the Court, and provide copies to the United States Attorney, respondent's counsel, and the Warden of FMC Butner.

Upon receipt and verification of an Order of Conditional Release and prior to the actual date and time of release, the Bureau of Prisons shall notify the appropriate persons to schedule an arrival date, finalize the release paperwork, make transportation arrangements, arrange the initial appointment for mental health aftercare and contact the assigned U. S. Probation Officer. The U. S. Probation Officer shall notify the Court of the actual release date from FMC Butner. The Bureau of Prisons shall release respondent after all release arrangements are satisfactory and complete.

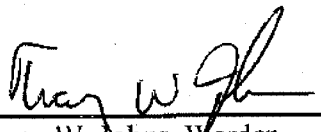
This the ____ day of _____, 2011.

TERRENCE W. BOYLE
United States District Judge

**CERTIFICATE OF CONDITIONAL DISCHARGE
PURSUANT TO TITLE 18 U.S.C. § 4248**

Donald Broncheau, Register Number 09265-023, assented to commitment to the custody of the Attorney General on November 17, 2011, pursuant to Title 18 U.S.C. § 4248. Mr. Broncheau is currently designated to and housed at the Federal Correctional Institution in Butner, North Carolina (FCI Butner). Based on the prescribed regimen of medical, psychiatric, or psychological care or treatment that has been prepared for him, I have determined that Mr. Broncheau's condition is now such that he will not be sexually dangerous to others if released under the prescribed regimen of medical, psychiatric, or psychological care or treatment.

Pursuant to Title 18 U.S.C. § 4248(e), I find that the prescribed regimen of medical, psychiatric, or psychological care or treatment that has been prepared for Mr. Broncheau is appropriate, and request that he be conditionally discharged from FCI Butner under such conditions.


Tracy W. Johns, Warden
FCI Butner, North Carolina

Subscribed and sworn before me this 28 day of November, 2011.


NOTARY PUBLIC Amy D. Bullock

My commission expires August 1, 2015

